

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

JOHN R. LAPLANTE,

Plaintiff,

v.

Case No.: 2:24-cv-00215

CITY OF MUSKEGO, SAMUEL WEINCAUF,
SHAWN DIEDRICH AND CHELSEA SHOCKLEY,

Defendants.

JOINT MOTION TO STAY ALL PROCEEDINGS
UNTIL THE STATE CRIMINAL PROCEEDINGS ARE RESOLVED

Plaintiff John R. LaPlante, by his attorney, Andrew Shaw of Shaw Law Offices, files this joint motion respectfully requesting that this Court stay all proceedings in the above-captioned case, until the state criminal cases, State v. John R. LaPlante, Waukesha County Case Nos.: 2021CF283 and 2022CT1502, is resolved. The trial date is set for September 19, 2024.

I. PROCEDURAL HISTORY

On February 15, 2024, Plaintiff John LaPlante, filed the above-captioned case, alleging federal civil rights violations under the 4th and 14th Amendments to the Constitution of the United States and Title 42 of the United States Code, Section 1983. LaPlante filed the federal Complaint on February 15, 2024, in order to preserve the statute of limitations for the case. Currently, LaPlante has pending criminal cases in Waukesha County, Wisconsin, State v. John R. LaPlante, Waukesha County Case Nos.: 2021CF283 and 2022CT1502, with a trial date for both cases on September 19, 2024.

II. ARGUMENT

A. A Stay Of All Civil Proceedings Until Resolution Of The Pending Criminal Matter Is Warranted.

Because Plaintiff John LaPlante's criminal proceedings now pending in Waukesha County, Wisconsin, and this civil action now pending before the above Court concern core facts from the ongoing state criminal case, and because LaPlante's claims here relate to the rulings that will likely be made in the pending state criminal cases, this Court should "in accord with common practice, stay the civil action under the criminal case or the likelihood of a criminal case is ended." *Wallace v. Kato*, 549 U.S. 384, 393-94 (2007).

Courts have discretion in determining whether to grant a motion to stay. *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936). As the Supreme Court recognized, "the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Id.*

Where the same incident give rise to a civil lawsuit for damages and a criminal prosecution, the civil case ordinarily should be stayed until the criminal proceedings have concluded. See *Estes-El v. Long Island Jewish Med. Ctr.*, 916 F. Supp. 268, 269 (S.D.N.Y. 1995) (explaining "It is well-settled that the Court may (and indeed, should) stay a federal Section 1983 action until resolution of parallel state court criminal proceedings."). *Guillory v. Wheeler*, 303 F. Supp. 2d 808, 811 (M.D. La. 2004) held that where criminal charges remain pending, "the better course is to proceed as strongly suggested by the Fifth Circuit Court of Appeals – to stay proceedings... until the pending criminal case has run its course."

CONCLUSION

For the reasons stated above, all of which establish good cause for the relief sought, Plaintiff John LaPlante respectfully requests that the Court grant this joint motion to stay all proceedings and enter an order directing that this case be stayed in its entirety, including staying any and all discovery, pending the resolution of the state criminal cases State v. John R. LaPlante, Waukesha County Case Nos.: 2021CF283 and 2022CT1502.

Dated: May 15, 2024.

Respectfully submitted,

Shaw Law Offices
Attorney for Plaintiff John LaPlante

Electronically signed by:

Andrew Shaw

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We jointly agree to this motion.

Electronically signed by:

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